

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

02-60164

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
Plaintiff, )  
v. )  
ARAMARK SERVICES, INC. )  
Defendant. )

MARIANNE O. BATTANI  
CIVIL ACTION NO.

COMPLAINT  
AND JURY TRIAL DEMAND  
MAGISTRATE JUDGE PEPE

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful discriminatory and retaliatory employment practices and to make whole Cecil Martin, a former employee adversely affected by the unlawful employment practices. Plaintiff United States Equal Employment Opportunity Commission ("Commission" or "EEOC") alleges that Aramark Services, Inc., ("Aramark") retaliated against Mr. Martin for engaging in protected activity. Mr. Martin's protected activity consisted of filing a charge of discrimination with the Commission which alleged discrimination (based on race and sex) based on a failure to promote him to a Cook's Helper position. Specifically, the Commission alleges that Mr. Martin suffered an adverse employment action after his complaint of discrimination when Aramark forced him to take medical leave based on a medical restriction that Aramark had previously accommodated.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337,

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DETROIT

1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

### PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3), of Title VII, 42 U.S.C. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Aramark Services Management of Michigan (the "Employer"), had continuously conducted business in the State of Michigan in the City of Sterling Heights, and has continuously had and does now have at least fifteen employees.

5. At all relevant times, the Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g) and (h).

### CONCILIATION

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices hereinafter alleged and to effect voluntary compliance with Title VII through informal methods of conciliation, conference, and persuasion within the meaning of Section 706(b) of Title VII, 42 U.S.C. Section 2000e-5(b).

### **STATEMENT OF CLAIMS**

7. More than thirty (30) days prior to the institution of this lawsuit, Mr. Cecil Martin filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since as early as February 2001, the Defendant Employer has engaged in unlawful discriminatory and retaliatory employment practice at a Visteon Manufacturing Facility in Sterling Heights, Michigan, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). The unlawful employment practice complained of is retaliation against Mr. Martin for engaging in protected activity. Mr. Martin's protected activity consisted of filing a charge of discrimination (based on race and sex) with the Commission which alleged the unlawful failure to promote to a Cook's Helper position. Mr. Martin suffered an adverse employment action after his complaint of discrimination when Aramark forced him to take medical leave based on a medical restriction that Aramark had previously accommodated.

9. The unlawful conduct complained of in paragraph 8 above was intentional.

10. The unlawful conduct complained of in paragraph 8 above was done with malice or reckless indifference to the federally protected rights of Mr. Cecil Martin.

### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of an employee's engagement in protected activity.

B. ORDER Defendant Employer to institute and carry out policies, practices and

programs which provide equal employment opportunities for individuals who engage in protected activity under Title VII, and which eradicate the effects of its past and present unlawful employment practices.

C. ORDER Defendant Employer to make whole Cecil Martin by providing him with appropriate punitive damages in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendant's unlawful practices.

D. ORDER Defendant Employer to provide training to its management and supervisory personnel pertaining to its obligations under Title VII to maintain a work environment that is free from discrimination on the basis of an employee's engagement in protected activity.

E. GRANT such further relief as the Court deems necessary and proper.

F. AWARD the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by this Complaint.

NICHOLAS M. INZEO  
Acting Deputy General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
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Dated: 8/5/02

  
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